



## Senate

General Assembly

**File No. 505**

February Session, 2008

Substitute Senate Bill No. 243

*Senate, April 7, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL ASSAULT FORENSIC EXAMINERS PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2008*) (a) There is established a
- 2 Sexual Assault Forensic Examiners Advisory Committee consisting of
- 3 the following: (1) The Chief State's Attorney, or the Chief State's
- 4 Attorney's designee; (2) the Commissioner of Public Health, or the
- 5 commissioner's designee; (3) a representative from the Division of
- 6 Scientific Services appointed by the Commissioner of Public Safety; (4)
- 7 a representative from the Division of State Police appointed by the
- 8 Commissioner of Public Safety; (5) the Victim Advocate, or the Victim
- 9 Advocate's designee; (6) the president of the Connecticut Hospital
- 10 Association, or the president's designee; (7) the president of the
- 11 Connecticut College of Emergency Physicians, or the president's
- 12 designee; (8) one member from Connecticut Sexual Assault Crisis
- 13 Services, Inc., appointed by its board of directors; and (9) one member
- 14 from the Connecticut Chapter of the International Association of

15 Forensic Nurses, appointed by the association.

16 (b) The committee shall advise the Office of Victim Services on the  
17 establishment and implementation of the sexual assault forensic  
18 examiners program pursuant to subsection (b) of section 54-203 of the  
19 general statutes, as amended by this act. The committee shall make  
20 specific recommendations concerning: (1) The recruitment of  
21 registered nurses, advanced practice registered nurses and physicians  
22 to participate in such program; (2) the development of a specialized  
23 training course concerning such program for registered nurses,  
24 advanced practice registered nurses and physicians who participate in  
25 the program; (3) the development of agreements between the Office of  
26 Victim Services, the Department of Public Health and acute care  
27 hospitals relating to the scope of services offered under the program  
28 and hospital standards governing the provision of such services; (4)  
29 individual case tracking mechanisms; (5) utilization of medically  
30 accepted best practices; and (6) the development of quality assurance  
31 measures.

32 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) As used in this section  
33 "sexual assault forensic examiner" means a registered nurse or  
34 advanced practice registered nurse licensed pursuant to chapter 378 of  
35 the general statutes, or a physician licensed pursuant to chapter 370 of  
36 the general statutes.

37 (b) A sexual assault forensic examiner may provide immediate care  
38 and treatment to a victim of sexual assault who is a patient in an acute  
39 care hospital and may collect evidence pertaining to the investigation  
40 of any sexual assault in accordance with the State of Connecticut  
41 Technical Guidelines for Health Care Response to Victims of Sexual  
42 Assault, published by the Commission on the Standardization of the  
43 Collection of Evidence in Sexual Assault Investigations pursuant to  
44 section 19a-112a of the general statutes. Services provided by a sexual  
45 assault forensic examiner shall be: (1) In accordance with the hospital's  
46 policies and accreditation standards; and (2) pursuant to a written  
47 agreement entered into by the hospital, the Department of Public

48 Health and the Office of Victim Services concerning the hospital's  
49 participation in the sexual assault forensic examiners program.  
50 Nothing in this section shall be construed as altering the scope of  
51 practice of nursing as set forth in section 20-87a of the general statutes.

52 Sec. 3. Subsection (b) of section 54-203 of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective July*  
54 *1, 2008*):

55 (b) The Office of Victim Services shall have the following powers  
56 and duties:

57 (1) To direct each hospital, whether public or private, to display  
58 prominently in its emergency room posters giving notice of the  
59 availability of compensation and assistance to victims of crime or their  
60 dependents pursuant to sections 54-201 to 54-233, inclusive, and to  
61 direct every law enforcement agency of the state to inform victims of  
62 crime or their dependents of their rights pursuant to sections 54-201 to  
63 54-233, inclusive;

64 (2) To request from the office of the state's attorney, state police,  
65 local police departments or any law enforcement agency such  
66 investigation and data as will enable the Office of Victim Services to  
67 determine if in fact the applicant was a victim of a crime or attempted  
68 crime and the extent, if any, to which the victim or claimant was  
69 responsible for his own injury;

70 (3) To request from the Department of Correction, other units of the  
71 Judicial Department and the Board of Pardons and Paroles such  
72 information as will enable the Office of Victim Services to determine if  
73 in fact a person who has requested notification pursuant to section 54-  
74 228 was a victim of a crime;

75 (4) To direct medical examination of victims as a requirement for  
76 payment under sections 54-201 to 54-233, inclusive;

77 (5) To take or cause to be taken affidavits or depositions within or  
78 without the state;

79       (6) To apply for, receive, allocate, disburse and account for grants of  
80 funds made available by the United States, by the state, foundations,  
81 corporations and other businesses, agencies or individuals to  
82 implement a program for victim services which shall assist witnesses  
83 and victims of crimes as the Office of Victim Services deems  
84 appropriate within the resources available and to coordinate services  
85 to victims by state and community-based agencies, with priority given  
86 to victims of violent crimes, by (A) assigning, in consultation with the  
87 Division of Criminal Justice, such victim advocates as are necessary to  
88 provide assistance; (B) administering victim service programs; and (C)  
89 awarding grants or purchase of service contracts in accordance with  
90 the plan developed under subdivision (15) of this subsection to private  
91 nonprofit organizations or local units of government for the direct  
92 delivery of services, except that the provision of training and technical  
93 assistance of victim service providers and the development and  
94 implementation of public education campaigns may be provided by  
95 private nonprofit or for-profit organizations or local units of  
96 government. Such grants and contracts shall be the predominant  
97 method by which the Office of Victim Services shall develop,  
98 implement and operate direct service programs and provide training  
99 and technical assistance to victim service providers;

100       (7) To provide each person who applies for compensation pursuant  
101 to section 54-204, within ten days of the date of receipt of such  
102 application, with a written list of rights of victims of crime involving  
103 personal injury and the programs available in this state to assist such  
104 victims. The Office of Victim Services, the state or any agent, employee  
105 or officer thereof shall not be liable for the failure to supply such list or  
106 any alleged inadequacies of such list. Such list shall include, but not be  
107 limited to:

108       (A) Subject to the provisions of sections 18-81e and 51-286e, the  
109 victim shall have the right to be informed concerning the status of his  
110 or her case and to be informed of the release from custody of the  
111 defendant;

112 (B) Subject to the provisions of section 54-91c, the victim shall have  
113 the right to present a statement of his or her losses, injuries and wishes  
114 to the prosecutor and the court prior to the acceptance by the court of a  
115 plea of guilty or nolo contendere made pursuant to a plea agreement  
116 with the state wherein the defendant pleads to a lesser offense than the  
117 offense with which the defendant was originally charged;

118 (C) Subject to the provisions of section 54-91c, prior to the  
119 imposition of sentence upon the defendant, the victim shall have the  
120 right to submit a statement to the prosecutor as to the extent of any  
121 injuries, financial losses and loss of earnings directly resulting from the  
122 crime;

123 (D) Subject to the provisions of section 54-126a, the victim shall have  
124 the right to appear before a panel of the Board of Pardons and Paroles  
125 and make a statement as to whether the defendant should be released  
126 on parole and any terms or conditions to be imposed upon any such  
127 release;

128 (E) Subject to the provisions of section 54-36a of the 2008  
129 supplement to the general statutes, the victim shall have the right to  
130 have any property the victim owns which was seized by police in  
131 connection with an arrest to be returned;

132 (F) Subject to the provisions of sections 54-56e of the 2008  
133 supplement to the general statutes and 54-142c, the victim shall have  
134 the right to be notified of the application by the defendant for the  
135 pretrial program for accelerated rehabilitation and to obtain from the  
136 court information as to whether the criminal prosecution in the case  
137 has been dismissed;

138 (G) Subject to the provisions of section 54-85b, the victim cannot be  
139 fired, harassed or otherwise retaliated against by an employer for  
140 appearing under a subpoena as a witness in any criminal prosecution;

141 (H) Subject to the provisions of section 54-86g, the parent or legal  
142 guardian of a child twelve years of age or younger who is a victim of

143 child abuse or sexual assault may request special procedural  
144 considerations to be taken during the testimony of the child;

145 (I) Subject to the provisions of section 46b-15 of the 2008 supplement  
146 to the general statutes, the victim of assault by a spouse or former  
147 spouse, family or household member has the right to request the arrest  
148 of the offender, request a protective order and apply for a restraining  
149 order;

150 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,  
151 the victim of sexual assault or domestic violence can expect certain  
152 records to remain confidential;

153 (8) Within available appropriations, to establish a victim's assistance  
154 center which shall provide a victims' rights information clearinghouse  
155 which shall be a central repository of information regarding rights of  
156 victims of crime and services available to such victims and shall collect  
157 and disseminate such information to assist victims;

158 (9) To provide, not later than January 1, 1994, a victims' notification  
159 clearinghouse which shall be a central repository for requests for  
160 notification filed pursuant to sections 54-228 and 54-229, and to notify,  
161 on and after January 1, 1994, persons who have filed such a request  
162 whenever an inmate has applied for release from a correctional  
163 institution or reduction of sentence or review of sentence pursuant to  
164 section 54-227 or whenever an inmate is scheduled to be released from  
165 a correctional institution and, on and after January 1, 1994, to provide  
166 victims of family violence crimes, upon request, information  
167 concerning any modification or termination of criminal orders of  
168 protection;

169 (10) To provide a telephone hotline that shall provide information  
170 on referrals for various services for victims of crime and their families;

171 (11) To provide staff services to a state advisory council. The council  
172 shall consist of not more than fifteen members to be appointed by the  
173 Chief Justice and shall include the Chief Victim Compensation

174 Commissioner and members who represent victim populations,  
175 including but not limited to, homicide survivors, family violence  
176 victims, sexual assault victims, victims of drunk drivers, and assault  
177 and robbery victims, and members who represent the judicial branch  
178 and executive branch agencies involved with victims of crime. The  
179 members shall serve for terms of four years. Any vacancy in the  
180 membership shall be filled by the appointing authority for the balance  
181 of the unexpired term. The members shall receive no compensation for  
182 their services. The council shall meet at least six times a year. The  
183 council shall recommend to the Office of Victim Services program,  
184 legislative or other matters which would improve services to victims of  
185 crime and develop and coordinate needs assessments for both court-  
186 based and community-based victim services. The Chief Justice shall  
187 appoint two members to serve as cochairmen. Not later than December  
188 fifteenth of each year, the council shall report the results of its findings  
189 and activities to the Chief Court Administrator;

190       (12) To utilize such voluntary and uncompensated services of  
191 private individuals, agencies and organizations as may from time to  
192 time be offered and needed;

193       (13) To recommend policies and make recommendations to agencies  
194 and officers of the state and local subdivisions of government relative  
195 to victims of crime;

196       (14) To provide support and assistance to state-wide victim services  
197 coalitions and groups;

198       (15) To develop, in coordination with the Department of Social  
199 Services, the Department of Public Health, the Office of Policy and  
200 Management, the Department of Children and Families and the  
201 Division of Criminal Justice, a comprehensive plan to more effectively  
202 administer crime victims' compensation and coordinate the delivery of  
203 services to crime victims, including the funding of such services. Such  
204 plan shall be submitted to the Governor and the General Assembly not  
205 later than January 1, 1994;

206 (16) Within available appropriations to establish a crime victims'  
 207 information clearinghouse which shall be a central repository for  
 208 information collected pursuant to subdivision (9) of this subsection  
 209 and information made available through the criminal justice  
 210 information system, to provide a toll-free telephone number for access  
 211 to such information and to develop a plan, in consultation with all  
 212 agencies required to provide notification to victims, outlining any  
 213 needed statutory changes, resources and working agreements  
 214 necessary to make the Office of Victim Services the lead agency for  
 215 notification of victims, which plan shall be submitted to the General  
 216 Assembly not later than February 15, 2000;

217 (17) To provide a training program for judges, prosecutors, police,  
 218 probation and parole personnel, bail commissioners, officers from the  
 219 Department of Correction and judicial marshals to inform them of  
 220 victims' rights and available services; [and]

221 (18) Within available appropriations, to establish a sexual assault  
 222 forensic examiners program that will train and make available sexual  
 223 assault forensic examiners to adolescent and adult victims of sexual  
 224 assault who are patients at participating acute care hospitals; and

225 [(18)] (19) To submit to the joint standing committee of the General  
 226 Assembly having cognizance of matters relating to victim services, in  
 227 accordance with the provisions of section 11-4a, on or before January  
 228 15, 2000, and biennially thereafter a report of its activities under  
 229 sections 54-201 to 54-233, inclusive, including, but not limited to,  
 230 implementation of training activities and mandates. Such report shall  
 231 include the types of training provided, entities providing training and  
 232 recipients of training.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section
Sec. 2	July 1, 2008	New section
Sec. 3	July 1, 2008	54-203(b)



***PH***      *Joint Favorable Subst. C/R*

JUD

***JUD***      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

---

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Implements the Budget	250,000	260,000

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill requires the Office of Victim Services, which is within the Judicial Department, to establish within available appropriations a program to train sexual assault forensic examiners and make them available to adult and adolescent sexual assault victims at participating hospitals. Funds in the amount of \$250,000 have been included within sHB 5021 (the budget bill as favorably reported from the Appropriations Committee) to establish the program.

The bill establishes a committee, made up of representatives from various state agencies, to advise the Office of Victim Services on the establishment and implementation of the bill's program. These state agencies could participate on the committee at no increased cost.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 243*****AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL ASSAULT FORENSIC EXAMINERS PROGRAM.*****SUMMARY:**

This bill requires the Office of Victim Services (OVS) to establish a program to train sexual assault forensic examiners (SAFE) and make them available to adult and adolescent sexual assault victims at participating hospitals. OVS must do this within available appropriations. The bill creates a nine-member committee to advise OVS on establishing and implementing the program.

Under the bill, a SAFE must be a physician or a registered or advanced practice registered nurse. The bill sets the framework for examiners' services in hospitals.

EFFECTIVE DATE: July 1, 2008

**SEXUAL ASSAULT FORENSIC EXAMINERS ADVISORY COMMITTEE*****Responsibilities***

The committee must make recommendations to OVS on:

1. recruiting participants and developing a specialized training course for examiners;
2. developing agreements between OVS, the Public Health Department (DPH), and participating hospitals on the program's scope of sexual assault forensic services and hospital standards for providing the services;
3. mechanisms for tracking individual cases;

4. using medically accepted best practices; and
5. developing quality assurance mechanisms.

**Membership**

The committee consists of:

1. the chief state's attorney, victim advocate, and public health commissioner, or their designees;
2. one representative each of the division of Scientific Services and State Police, appointed by the public safety commissioner;
3. the presidents of the Connecticut Hospital Association and Connecticut College of Emergency Physicians, or their designees;
4. a person appointed by the directors of Connecticut Sexual Assault Crisis Services, Inc.; and
5. a person appointed by the Connecticut Chapter of the International Association of Forensic Nurses.

**SEXUAL ASSAULT FORENSIC EXAMINER TREATMENT**

Under the bill, a SAFE may provide immediate care and treatment to a sexual assault victim in a hospital and collect evidence. In doing so, the SAFE must follow (1) existing state sexual assault evidence collection protocols, (2) the hospital's policies and accreditation standards, and (3) the hospital's written agreement with OVS and DPH concerning its participation in the SAFE program.

The bill specifies that it is not to be construed to alter the scope of nursing practice established in statute.

**BACKGROUND*****Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations***

The legislature established this 14-member commission to (1)

recommend a protocol, the “Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault,” and revisions to it to the chief state’s attorney for adoption as regulations and (2) design a sexual assault evidence collection kit and provide it for free to all health care facilities at which sexual assault evidence is collected. Each facility that provides for the collection of sexual assault evidence must follow the guidelines. The commission must advise the chief state’s attorney on establishing a mandatory program to teach facility staff how to implement the protocols, use the evidence kit, and handle evidence.

The law also required the commission to advise the chief state’s attorney by July 1, 1997 on establishing such a program and annually advise him on the program’s implementation and effectiveness (CGS § 19a-112a).

**COMMITTEE ACTION**

## Public Health Committee

Joint Favorable Substitute Change of Reference  
Yea 26 Nay 0 (03/10/2008)

## Judiciary Committee

Joint Favorable  
Yea 43 Nay 0 (03/24/2008)